

ORDINANCE NO. 80-24

**AN ORDINANCE TO ACCEPT THE PUBLIC IMPROVEMENTS (ROADWORK),
CONSTRUCTED BY LIG LAND, LLC AT 1846 NAGEL ROAD, ADJACENT TO THE
MIDDLETON CROSSING DEVELOPMENT SITE
AND DECLARING AN EMERGENCY**

WHEREAS, LIG LAND, LLC has constructed public improvements on Nagel Road just south of Middleton Road adjacent to 1846 Nagel Road; and

WHEREAS, these public improvements consist of a right turn southbound lane and appurtenances thereto at Middleton Crossing commercial development; and

WHEREAS, said improvements have been inspected by the City's Engineer, who has certified that said improvements have been constructed in accordance with the terms set forth in the Developer's Agreement and in conformance with City Development Regulations; and

WHEREAS, Council finds that acceptance of these public improvements and all appurtenances thereto to be in the best interests of the health, safety, and welfare of the City of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That Council for the City of Avon, Lorain County, Ohio, hereby accepts the public improvements, viz., a right turn southbound lane and appurtenances thereto adjacent to the Middleton Crossing commercial development site located at 1846 Nagel Road, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 – That the City's acceptance of dedication of the public improvements herein is contingent upon LIG LAND, LLC providing the City with the following: (1) a Three (3) Year Maintenance Bond in the amount of Twenty-Five Thousand Eight Hundred Twenty and 00/100 (\$25,820.00) Dollars; (2) a cash deposit in the sum of Five Thousand and 00/100 (\$5,000.00) Dollars to cover miscellaneous costs incurred by the City relating to the public roadway construction; (3) a payment of Eight Thousand Sixty-Eight and 78/100 (\$8,068.78) Dollars for the Stormwater Drainage Improvement Fee; and (4) Developer agrees to provide the City with proof of One Million and 00/100 Dollars (\$1,000,000.00) indemnification and liability insurance coverage naming the City of Avon as additional insured and shall not allow this insurance to expire earlier than the effective period of the maintenance bond.

Section 3 – Upon recommendation of the Law Director and the City Engineer, the Finance Director shall authorize the release of all or part of deposits for legal and engineering fees set forth in the Developer's Agreement.

Section 4 – That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to accept the public improvements at 1846 Nagel Road adjacent to the Middleton Crossing commercial development as soon as possible to allow for public utilization of the roadway; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 5, 2024 DATE SIGNED: August 5, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: August 6, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: August 8, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 80-24, passed by the Council of said City on August 5, 2024.

IN WITNESS WHEREOF, I have on this 6th day of August 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio